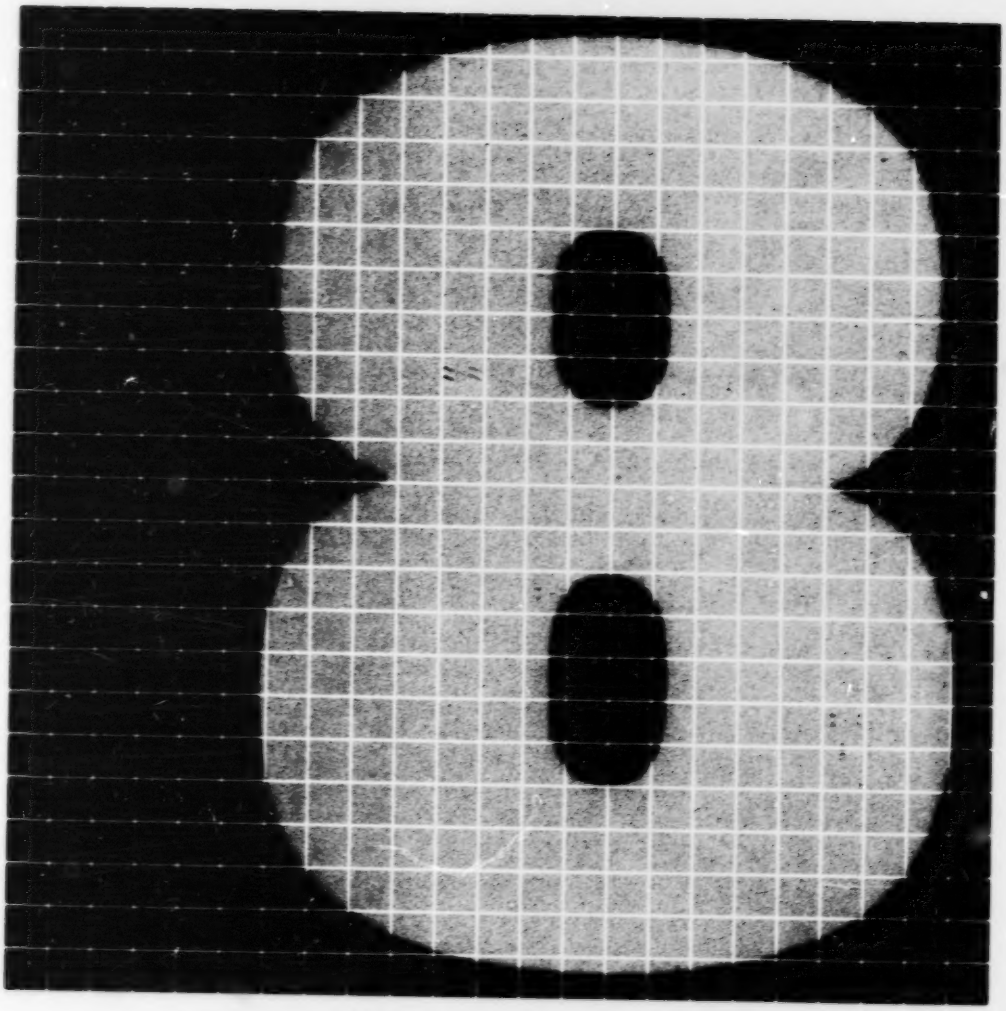
Blueprint for Waste Management in Ontario

Appendix 8

Proposed Generator Regulation



Ontario

Ministry of the Environment

Hon. Keith C. Norton, Q.C., Minister

Gérard J. M. Raymond, Deputy Minister

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This is one of 11 appendices to the Blueprint for Waste Management. A complete list is presented on the inside of the back cover.

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APPENDIX 8
PROPOSED GENERATOR REGULATION

This Appendix outlines a proposed regulation requiring generators of hazardous, liquid industrial and site-specific wastes to register with the Ministry. It places additional responsibility and accountability on generators to ensure that these wastes are handled, transported and disposed in an environmentally acceptable manner.

It is suggested that generators be required to provide detailed information on their wastes, including quantities expected, disposal requirements, transportation arrangements, waste characteristics and analytical data. Comments are invited.

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APPENDIX 8

PROPOSED GENERATOR REGULATION

UNDER THE ENVIRONMENTAL PROTECTION ACT

REGISTRATION FOR GENERATORS
OF
HAZARDOUS WASTE, SITE-SPECIFIC WASTE
AND LIQUID INDUSTRIAL WASTE

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1. (1) In this Regulation;

(a) "Generator" means any person, by site, who, by virtue of ownership, management, operation or control, causes or allows to cause the creation or storage of waste;

(b) "Carrier" means any person who, by virtue of ownership, management, control or operation is engaged in the transportation of waste;

(c) "Receiver" means any person, who by virtue of ownership, management, control or operation is engaged in the receiving of waste;

(d) "Waybill" means Ministry form No. _____ in six parts as provided by the Ministry, including an original copy in white and five copies coloured, in sequence, green, yellow, pink, blue and brown, all of which are marked respectively "Ministry's copy" No. 1, "Generator's copy" No. 2, "Ministry's copy" No. 3, "Carrier's copy" No. 4, "Receiver's copy" No. 5 and "Generator's copy" No. 6;

(e) "Liquid Industrial Waste " (See definition in Regulation 313);

(f) "Hazardous Waste" (See "Interim Guideline for the

Interpretation of the Hazardous Waste Definition");

(g) "Site-Specific Waste" (See "Interim Guideline for the Interpretation of the Hazardous Waste Definition");

(h) A "site" (See definition in Regulation 313).

(2) Liquid industrial waste, site-specific waste and hazardous waste are designated as wastes in addition to those wastes specified in clause (d) of Section 24 of the Act.

2. (1) No generator shall;

(a) store or dispose of liquid industrial waste, site-specific waste or hazardous waste; or

(b) permit liquid industrial waste, site-specific waste or hazardous waste to pass from his control or to leave the site where it is generated

unless he has first applied for and obtained a generator identification number issued by the Director of the Waste Management Branch of the Ministry.

(2) No generator shall;

(a) store or dispose of liquid industrial waste, site-specific waste or hazardous waste; or

(b) permit liquid industrial waste, site-specific waste or hazardous waste to pass from his control or to leave the site where it is generated

unless he has first applied for and obtained a waste type number issued for each type of waste by the Director of the Waste Management Branch of the Ministry.

(3) (a) An applicant for a generator identification number and waste type numbers under subsections 1 and 2 shall be required to submit, by completing MOE form _____, the

description, a range of physical and chemical characteristics of the waste and select the appropriate waste type number from the Ministry's listing for each type of waste as hauled and to carry out and report on any tests or analyses relating to these characteristics in a manner acceptable to the Director of the Waste Management Branch, and to provide such further information as the Director may require.

(b) After receiving the application form, and where in the opinion of the Director of the Waste Management Branch, the type of waste has been adequately and accurately described, and no further information is required, the Director may confirm the waste type number selected or assign a new appropriate waste type number.

(4) Subsections 1 and 2 do not apply where, in the opinion of the Regional Director of the Ministry, an emergency situation exists.

3. (1) Where a generator changes his product, manufacturing processes, equipment, raw materials, rates of production or methods of handling waste, that may significantly change the description, physical or chemical characteristics of the waste being hauled, the generator shall give notice in writing to the Director of the Waste Management Branch of the Ministry containing such information and particulars as may be required, prior to the waste being removed from the generator's site.

(2) Upon receiving the notice referred to in Subsection 1, the Director of the Waste Management Branch of the Ministry may require the generator to submit the description, physical and chemical characteristics of the waste, and to carry out and report on any tests or analyses relating to these characteristics of the waste in a manner acceptable to the Director, and to provide such further information as the Director may require.

(3) After receiving the information as prescribed in Subsection 2, the Director of the Waste Management Branch of the Ministry may

confirm the waste type number selected or assign a new appropriate waste type number.

(4) Subsections 1,2, and 3 do not apply where the change to the waste type is of a temporary nature which may be a result of process malfunctions or emergency, and a new appropriate waste type number is used on the waybill for the transfer of the waste.

4. (1) No generator shall permit liquid industrial waste, site-specific waste or hazardous waste to pass from his control and to leave the site where it is generated except by transfer of the waste to a carrier operating under a certificate of approval issued by the Ministry for the type of waste being hauled.

(2) Where liquid industrial waste, site-specific waste or hazardous waste is disposed of on the site where it is generated, the generator shall keep a record of the volume and types of waste being disposed. Such information shall be compatible with the registration data.

5. Where liquid industrial waste, site-specific waste or hazardous waste is transferred to a carrier, for each truckload or less to be transferred, the generator shall obtain from the carrier an intact waybill form issued by the Ministry and,

(1) at the time of transfer, record his generator identification number and the waste type number for each type of waste being hauled, and complete and sign section A (Generator) of the waybill form, and

(2) distribute copies of the waybill form in a manner as prescribed by Section 3 (2) of Ontario Regulation 313, and

(3) ensure that the receiver signs and returns to him a copy of the waybill form as an acknowledgement for the receipt of the waste in accordance with Section 6 (5) of Regulation 313.

(4) Where the generator does not receive a copy of the completed

waybill form from the receiver within two weeks, he shall contact the receiver to satisfy himself that the waste was received.

6. (1) No generator shall transfer liquid industrial waste, site-specific waste or hazardous waste to a carrier unless he has first packaged and/or identified such wastes by marking or labeling the waste containers in accordance with the requirements as prescribed by the Dangerous Goods Transportation Act and regulations made under the Act.

7. This regulation also applies to

(1) a generator who is located outside the Province of Ontario and whose liquid industrial waste, site-specific waste or hazardous waste is consigned to a receiver located in the Province of Ontario, and

(2) a generator who is located within the Province of Ontario and whose liquid industrial waste, site-specific waste or hazardous waste is consigned to a receiver located outside the Province of Ontario.

8. No carrier shall remove or cause to remove liquid industrial waste, site-specific waste or hazardous waste from a generator's site unless the generator has first recorded his generator identification number and the waste type number for each type of waste being hauled on the intact waybill form and fully completed and signed section A (Generator) of the waybill form.

(1) A generator of liquid industrial waste, site-specific waste or hazardous waste shall have readily available in writing an emergency management procedure for such waste, including names of persons to be contacted in case of an accidental spill or leakage, and such other information as the Director of the Waste Management Branch may require.

(2) Such an emergency management procedure shall be provided by the generator to the operator of a carrier at the time of the transfer of the waste.

(3) Such an emergency management procedure shall be submitted to the Ministry with the application for the generator's identification number.

10. (1) A generator is subject to this regulation unless he generates, for every month of a year, liquid industrial waste, site-specific waste or hazardous waste in an amount less than the small quantity allowed in the respective definitions of subsections 1(1)(e),(f), and (g):

(a) 25 litres of liquid industrial waste; or

(b) one litre (or one kilogram) of hazardous waste, listed in Schedule 2A; or

(c) five litres (or five kilograms) of hazardous waste, listed in Schedule 1 or 2B; or

(d) five kilograms of site-specific waste; or

(e) five kilograms of hazardous waste, identified by the criteria for ignitability, corrosivity or reactivity.

(2) The exemption in Subsection 1 does not apply where the waste is defined as hazardous by Schedule 3 or is pathological.

11. Where a generator believes that his waste is not hazardous because of plant-specific variations in raw materials, processes or other factors, the generator may seek to exempt his waste at a particular generating facility from the hazardous waste list by applying to the Hazardous Waste Listing Committee for a declaration that the specific waste is not a hazardous waste in accordance with Section 5 of the hazardous waste definition.

12. Where liquid industrial waste, site-specific waste or hazardous waste is refused for disposal by a receiver, the generator of such waste shall take back the waste for safe storage until a suitable alternative receiver has agreed to accept the waste.

Schedule of Appendices

1. Waste Management Consultation Session Report
2. Waste Reduction, Reuse, Recycling and Recovery Report
3. Perpetual Care Program Report
4. Interim Guideline for the Interpretation of the Hazardous Waste Definition (Regulation 309)
5. Legislative Implications of the Blueprint for Waste Management
6. Proposed Revisions to Regulation 309
7. Proposed Revisions to Regulation 313
8. Proposed Generator Regulation
9. Terms of Reference for a Waste Management Master Plan
10. Solid Waste Management Cost Accounting Summary Report
11. Proposed Regulation Under the Environmental Assessment Act Regarding Private Waste Disposal Sites